Supreme Court, U.S.
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No._____

In The
Supreme Court of the United States
October Term, 1998

Donna M. Hines
Petitioner,

v.

Baltimore Gas and Electric Company
Respondent,

On Petition For a Writ Of Certiorari
To The United States Court Of Appeals
For The Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

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43 pp

QUESTIONS PRESENTED

The plaintiff was an employee of good standing with this defendant for 13 years. Upon announcing her pregnancy, adverse employment actions occurred. First she was denied a promised promotion and then her family leave was canceled. This action ended employee's job security and placed her in employment limbo resulting in the termination of her employment.

Question 1

In an effort to satisfy the FMLA leave requirement and prevent an employee from filing an FMLA claim, can an employer substitute, after the fact, the employee's earned sick benefit and the employer's displaced employee leave?

Question 2

In a pregnancy discrimination or any discrimination case, can summary judgment be granted for one claim when the same disputed fact is used to deny summary judgment for another claim?

Question 3

If the facts and evidence supporting a failure to promote claim in a pregnancy discrimination case are so significant and relevant that they are allowed at trial, can the Plaintiff be procedurally barred from bringing this claim because said claim was not properly filed with the EEOC?

Question 4

In any discrimination case, if the Plaintiff is prevented from fulfilling her burden of proof obligation because she is denied the opportunity to rebut the employer's false pretext reason for its actions, shouldn't the lower court and then the reviewing court grant plaintiff's motion for a new trial? If this request is not granted doesn't this violate plaintiff's civil rights as protected by law and enforced by this court?

LIST OF ALL PARTIES

The parties to the proceedings in the Fourth Circuit Court of Appeals were pro se plaintiff Donna M. Hines, petitioner; Laurie R. Bortz, L. Ellis Justis, and Mark J. Hackman, counsel for the defendant, Baltimore Gas and Electric Company, respondent, PO Box 1475 Baltimore, Maryland 21203-1475, telephone number (410) 234-5000.

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OPINIONS BELOW

The opinions of the Fourth Circuit in Hines v. BGE is unpublished and is reprinted in appendix 1, 2, 3.

The order of judgment in the United States District Court for the district of Maryland is reprinted in appendix 4.

JURISDICTION

The Supreme Court granted an extension of time within which to file a petition for a writ of certiorari to and including July 27, 1998. Application No. A-957. App 5.

The Fourth Circuit filed its judgment on January 29, 1998 App. 6, and denied the petition for rehearing and suggestion for rehearing in banc on March 30, 1998. App 7. This court has jurisdiction under Title VII 42 U.S.C. s2000e-5 as amended and FMLA 29 U.S.C.s2601.

The United States District Court For The District Of Maryland filed its judgment March 27,1996.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Civil Rights Act of 1964 as amended. Title VII 42 U.S.C.A. ss 2000e-5 g.

   It shall be an unlawful employment practice for an employer to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's sex. The ultimate burden of persuasion remains at all times with the plaintiff.

2. The Family and Medical Leave Act of 1993 29 U.S.C.A. ss 2601-2618. 29 C.F.R. 825.

   Prohibiting employers from interfering with, restraining, or denying the exercise of any rights under the FMLA.

Statement Of The Case

In 1993 Donna Hines was a full time employee of 13 years with the Baltimore Gas & Electric Co. (BGE). BGE employed over 8000 employees.

January of 1993. Mrs. Hines' supervisors told her a promotion from a grade 7 to a grade 8 was being sought for her because of her good work performance and the duties and responsibilities performed by her fully warranted this promotion. Further, these supervisors indicated the promotion was more or less a "sure thing" and her department just needed to submit and process the paper work necessary to receive administrative approval from another department.

April of 1993. Mrs. Hines informed her employer of her pregnancy. Mrs. Hines' doctor sent a statement to her employer referencing her pregnancy.

April 9,1993. Employer responded (to her notification and her doctor's notification of her pregnancy) with a letter to her. This letter stated, below is information relating to your pregnancy, and a statement from your doctor has been received indicating your expected delivery date. This letter outlined Mrs. Hines' entitlement to PAID pregnancy related disability time covered by her employer's sick time benefit and the UNPAID Leave of Absence for Family Adjustment allowed following this period of pregnancy disability. In this letter the employer assigned/applied dates to employee's sick time and personal leave time based on the estimated birth date of Mrs. Hines' baby. This letter complied with BGE's common practices. This letter was revised by the employer on November 8, 1993 reflecting the birthdate of plaintiff's child.

April 9,1993 to August 1993. The previously promised promotion went from a "sure thing" to an "unlikely thing".

The employer's reasons for why the promotion was delayed and not forthcoming at this time (upon employee's inquiries) were vague responses of "administrative problems."

July 1993. Employee received (from the employer) revised inserts to her employee handbook. These inserts contained information about the Family and Medical Leave Act of 1993 and began with, The Family and Medical Leave Act of 1993 (FMLA) requires the Company to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Under the section for "Reason For Taking Leave", under the law, eligible employees are entitled to unpaid leave for one or more of the following reasons: For the care of the employee's child (birth, or placement with the employee for adoption or foster care.)

August 4, 1993. Employee informed employer that she had not received a written confirmation that her personal leave (for her family adjustment) had been granted by her department. Employee thought she needed such documentation because in the letter previously sent to her (April 9) there contained the sentence, "This leave is granted/denied by your department." Since granted (nor denied) was underlined or highlighted, employee thought she needed further approval. Employer indicated personal leave was automatically approved based on company policies and laws pertaining to such leave. Employer faxed a copy of a page titled "Your Rights Under The Family and Medical Leave Act of 1993" from a U.S. Dept. of Labor, Employment Standards Administrative Publication to the plaintiff.

October 1,1993 to December 24,1993. Company pursued a reduction of force to reduce costs. Fifty- four (54) jobs were eliminated in plaintiff's department including

5 in her section. Some of these employees elected to take early retirement and all others were placed into other jobs. No one in plaintiff's section had to apply for a position or select between the 2 options of a displaced employee.

October 1993 to January 1,1994. The employee's department manager and general supervisor retired. The positions were filled by persons unknown to this employee.

October 28,1993. Employee gave birth to her daughter.

December 23, 1993. Employee's earned PAID pregnancy disability sick time ended.

December 24,1993. Employee's UNPAID leave of absence began.

December 29,1993. Employer's HR department called and notified employee that her UNPAID leave of absence had been canceled. Employee was not supplied with the reasoning for this decision and was told to call her supervision.

December 30, 1993. Employee called her supervision who confirmed that her leave had been canceled. Employee was informed "the bad news is your grade 7 job has been eliminated, but, the good news is the grade 8 job has been created". However, the employee was advised she would now have to apply for the grade 8 position. Employee was confused as to why she had to apply for a position previously promised to her. Especially, a position she was more than qualified for and would be more qualified than any other applicant due to the nature of this position. Employee was the only "junior" to this "senior" position. These questions were not answered. Employee was also told if she pursued the grade 8 position and was the successful candidate, she would have to forgo her leave. Employee was advised because her job had been eliminated, she was now a "displaced employee" and she

would be placed back on the payroll as a displaced employee. She was told there were other options available to her as a displaced employee and advised to call the department that was set up to administer to displaced employees. A meeting was scheduled between the supervisor and employee to discuss this situation further.

Employee calls and speaks to a representative from the Displaced Employee department. Representative insisted that employee come in person to discuss the 2 options available to her as a displaced employee and take advantage of seminars for resume writing and job interviewing to help her secure employment outside the company. Employee insisted she has no interest in seeking help to secure a job outside BGE. The only interest she had was keeping her employment with BGE. The representative expressed concern as to why the employee's department was posting the grade 8 position and making her apply for it without just giving it to her. He stressed that employee (because she is now a displaced employee) must make a determination between the 2 options (of a displaced employee) by January 31,1994, (less than 1 month away). Further, this person emphasized that the process of posting the grade 8 job, processing the paperwork, and selecting a candidate could not be completed by January 31, 1994. It would be impossible to do. All inferences made by the representative in this conversation led the employee to conclude that both displace options resulted in the termination of her employment.

January 5,1994. Employee met with her new supervision. Employee was given a job description for the grade 8 job so she could be ready to apply for the grade 8 job when it was posted. Employee was advised that the grade 8 job was not currently posted and they didn't know when it would be. As a rule, employees cannot apply for a

job in BGE until the specific job is posted. Employee was also advised to post for as many jobs as she could between now and January 31, 1994. Employee advised supervision that per the HR department, the grade 8 job would not be posted by her deadline date. Employee makes it very clear that something is terribly amiss with this whole situation. It made no sense to make her apply for this grade 8 job because it should just be given to her. She stressed how the employer's insistence to post this position puts her employment with BGE at great risk. She points to all others in her section and department whose jobs were eliminated and were given jobs without having to apply or be placed into this "displaced employee" limbo of 2 options concluding in the termination of employment with this company. Employee asked, why me, why now, why am I the only one is this entire department left in this situation? Supervisors could not identify anyone else who had been placed in same situation and one supervisor responds is "it's just a timing thing." Another supervisor suggests to employee that maybe this is a good opportunity (since either option results in money to her) for employee to try something new, or stay home with her new baby. Employee reminds supervision of the previous promises made to her regarding the promotion and her maternity leave. She raised the issues of company polices and laws (she refers to it as "Clinton's Family Leave Law") being broken. Employee begs supervision to undo this. She offers to forgo her leave and report back to work immediately, requesting to be given the time for the grade 8 job posting to be resolved. Employee was advised this could not be done, she was a displaced employee now but they would do everything they could to get the grade 8 job posted ASAP so the job could be posted prior to the January 31 deadline imposed on her. Employee was advised in the mean time to call the Displaced Employee

department to obtain job postings and information on the 2 displaced employee options.

January 6,1994. Employee called the Displaced Employee department and was denied job postings with the explanation that posting would be a waste of her time given her limited time frame. It was expressed to her that if her own department would not hold/give her a job what makes her think someone else (another department) would? Who was going to give someone with a brand new baby a job? Employee attempted to argue with this reasoning by pointing out the unfairness of the situation and the fact that more than a few laws were being broken. Although there was sympathy for the employee, no help was given. Employee was advised a packet would be sent to her outlining and explaining the 2 displaced employee options.

January 6,1994. Employee received a packet by mail from her employer with information pertaining to the 2 displaced employee options. Every other page was missing. Enclosed was a pamphlet reflecting an overview of two options, the Voluntary Severance Program (VSP) and Placement Opportunity Program (POP). On this pamphlet all references to "job" under POP referred to a job outside the company.

January 10 1994 to January 24 1994. Employee made numerous calls to her supervision to inquire about the posting of the grade 8 job. Vague responses were given as to why the job had still not been posted. On one call, the employee asked a fellow employee to see if the job had been posted. The fellow employee confided in her that he overheard conversations between 2 of her supervisors and they were scheming to get her out and someone else in. The reason, from the gist of their conversations, is that they perceived her maternity leave as troublesome, an

inconvenience to them, particularly because she was doing the work of one of the them. Finally the employee could make some sense of what was going on.

January 24,1994. Employee meets with a labor attorney. They discussed the events that have occurred and the attorney reviews the documents employee has. The labor attorney contacts one of BGE's attorneys, Mr. Ellis Justis, and protests the treatment of this employee. BGE's attorney, Mr. Justis complains of a lack of time to do anything and advises employee to sign the Displaced Employee Election Form. Mr. Justis conveys that he will look into the situation and "if a wrong has been committed, BGE will right it". Employee checks off VSP and signs the Displaced Employee Election Form and mails this form back to BGE.

Employee phones the Maryland Dept. of Human Resources to file charges against employer for discriminating against her because of her pregnancy. This agency advises employee they will process her complaint and forward a copy of her charge to the EEOC. All correspondence is made by telephone and mail.

February 2,1994. Employee receives VSP check and places it in a special bank account. Employee anticipated situation would be resolved and she would have to pay back this money when her employment was reinstated.

February 1994 to January 1995. No response is received from BGE's attorney. The EEOC informs employee that due to a backlog it could take the EEOC another 2 years to resolve this complaint. Employee requested and receives a Notice of Right To Sue letter from the EEOC.

January 20,1995. Title VII complaint is filed with the EEOC Notice of Right To Sue. Complaint states the employee was denied a promotion and then her

employment was terminated because she was a pregnant female.

March 29,1995. Employee amends civil complaint to add a Family and Medical Leave Act (FMLA) claim.

July 26, 1995. Memorandum by Donna Hines in opposition to defendant's motion for Summary Judgment filed with plaintiff's exhibits. This memorandum contained affidavits from other employees supporting her claims. It contained many pages of BGE's deposition of employee and much of the EEOC paperwork including BGE's position statement to EEOC in response to employee's EEOC charge. It contained other exhibits which included the April 9 and November 8 1993 employer letters responding to employee and her doctor's notification of her pregnancy, inserts from the employee's company handbook, and FMLA document faxed to the employee on August 4,1993.

This was all on record before court orders were issued affecting plaintiff's claims.

FMLA

September 11, 1995. Order issued that

> "Defendant's Motion for Summary Judgment is denied in part and Judgment is entered in Defendant's favor and against plaintiff as to plaintiff failure to promote claim". "That Defendant's Motion for Summary Judgment is denied in part as to plaintiff's termination claim".

September 13, 1995. Order dismissing FMLA claims of plaintiff.

The district court in its order dismissing plaintiff's FMLA claims pursuant to Fed. R. Civ. P. 12(b) (6). , in its memorandum gives reasons set forth:

> "First , there is no issue that Plaintiff received a total of 23 weeks paid maternity leave for the period of August 23,1993 through January

> 31,1994.(1) Defendant correctly contends that the FMLA requires eligible recipients to be provided with a total of 12 weeks for the birth and care of a child. See 29 U.S.C. ss2612 (a) (1) (A); 29 C.F.R. ss 825.200. It argues that plaintiff received more leave than that required under the FMLA and as such, can not make a claim for relief under that statute."

Despite the intent and provisions provided by FMLA, the defendant identified plaintiff's sick time benefit and displaced employee pay benefit after the fact as FMLA. The court supports the defendant's contentions that plaintiff received 23 weeks of paid maternity leave and as such FMLA was satisfied. The court ignored the fact that when the defendant canceled the plaintiff's unpaid leave of absence for family adjustment, it substituted displaced employee pay. Now, it became the plaintiff's job to focus her attention on keeping her job rather than caring for her newborn. Plaintiff is thrown into a whirlwind of activity desperately grasping to hold onto her employment. Because the sick time and pay benefit of a displaced employee added up to 23 weeks of paid leave, the lower court accepted that the 12 weeks entitlement of FMLA had been satisfied. And, with this reasoning the lower court dismissed all other facts and previous rulings which would have substantially supported an FMLA claim.

These same issues were raised to the Fourth Circuit but the defendant was very successful in skirting this issue with

> "The FMLA only requires the employer to provide "reasonable unpaid leave, recognizing that the legitimate interests of the employer must be accommodated"". 29 C.F.R. ss825.100(a).
>
> "The leave deemed to be "reasonable" is a total of 12 workweeks. Id. Ss825.200. BGE gave

> Ms. Hines over 5 months of paid leave, nearly double the amount of (unpaid) leave required by the FMLA. See , e.g. Young Affidavit of August 3,1995, submitted in support of BGE's Motion For Summary Judgment on Mrs. Hines FMLA claim. It was undisputed that any leave time requested and taken prior to the birth of a child is counted by BGE as FMLA leave, together with any such leave time taken after the birth. In this document , Ms Young states that "at no time did Mrs. Hines request FMLA leave".

The 4th circuit did not consider the defendant's April 9 and November 8 letters responding to plaintiff and plaintiff's doctor's notice of her pregnancy where the defendant clearly identified and made the distinction between plaintiff's sick benefit and unpaid leave for family adjustment. Yet, the courts instead considered defendant's document prepared one and one half years later identifying plaintiff's FMLA leave. This is the only document the defendant presented in identifying employee's FMLA.

> "Employee does not need to expressly assert rights under the Act or even mention FMLA to meet their obligation or provide notice, although they would need to state a qualifying reason." 29 CFR 825.302.

The defendant waited for plaintiff to accuse them of violating FMLA before identifying any of her time as FMLA. And when BGE identified the time prior to the birth of the child as FMLA leave, after the fact, they violated FMLA.

> "The employer must immediately notify the employee that the paid leave is designated and will be counted as FMLA leave." 29 CFR 825.301. In no event may such designation be made after leave is concluded, or based on information other than that provided by the employee." 29.CFR 825.208 Subpart (B).

SS 29 Fed. 825.700. see 29 usc 2652 sec 402 (title iv - miscellaneous provisions)

"An employer must comply with any employee benefit program or collective bargaining agreement that provides greater family or medical leave rights than are established by FMLA. An employer is not prohibited from amending its employee benefit programs, although nothing in FMLA should be construed to discourage employers from adopting or retaining more generous leave policies".

"If an employee takes paid leave and neither the employee nor the employer designate the leave as FMLA leave, the leave taken does not count against an employee's FMLA entitlement". Subpart G SS 825.700

SS 825.208(2) "In all circumstances it is the employer's responsibility to designate leave, paid or unpaid as FMLA qualifying, based on information provided by the employee".

Ss825.301 (c) "The employer must immediately notify the employee that the paid leave is designated and will be counted as FMLA leave". Although FMLA allows the employer to substitute paid leave for unpaid leave 29 USC 2612 sec. 102 (d) (2), employer may require the employee to substitute any of the accrued paid vacation leave, personal leave, family leave for leave provided for the reason because: birth of a son or daughter 29 USC 2612 A, it does not allow the employer to substitute the employee's paid medical or sick leave benefit for the birth of a child. And, it especially does not allow paid leave of a displaced employee to be substituted. FMLA language of intention clearly would not recognize such leave as FMLA leave when its effect has taken plaintiff's job security away. In all cases:

> "if the employer requires paid leave to be substituted for unpaid leave or that paid leave taken under an existing leave plan be counted as FMLA leave, the decision must be made by the employer at the time the employee requests or gives notice of the leave". 29 CFR ss 825.208.

The second reason the district court gave for dismissing plaintiff's FMLA claim was the court accepted Defendant's statements that plaintiff's position would have been eliminated regardless of whether she had taken maternity leave and thus did not violate the FMLA because it was part of legitimate corporate restructuring.

At the very heart of this complaint is the dispute the defendant's action had everything to do with the fact that she was a pregnant female and not a legitimate business reason.

Five days prior to this order the district court denied the defendant's motion for summary judgment as to plaintiff's termination claim. Reason district court gave for denying this claim was:

> "In this case however, the record shows that prior to the announcement of her pregnancy, Defendant had intended to promote (as oppose to terminate) Plaintiff. Although Defendant contends that the elimination of Plaintiff's position was one of 1,141 business decisions, the above facts suggest that an alternative conclusion is possible. As such, the court finds the facts remain in dispute concerning whether Plaintiff's position would have been eliminated had she not become pregnant".

Perhaps the Fourth Circuit failed to consider this contradiction because defendant argued

> "plaintiff was receiving precisely the same salary and benefits she had in her former job, without being required by her employer to return to

work. Consequently, even if Ms. Hines had been able to provide a legitimate reason to the trial court for the continued maintenance of a FMLA claim, she would have been unable to demonstrate as a matter of law that she incurred any damages. In light of the granting by the trial court of BGE's Motion For Summary Judgment on the FMLA, it was entirely proper for the court, in its discretion to exclude evidence on the FMLA at trial".

The Fourth Circuit Court may have agreed with this reasoning in arriving at its opinion but this reasoning is wrong. Plaintiff did suffer damage. Her promotion was withheld and denied, her 6 months of promised leave was canceled, and she lost her job.

"It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this title". 29 USC 2615 sec. 105 (a) (1)"

"any employer who violates section 105 shall be liable to any eligible employee affected....

(A) for damages equal to

(i) the amount of

(I) any wages, salary, employment benefits, or other compensation denied or lost to such employee and interest on these amounts

(B) for such equitable relief as may be appropriate, including employment, reinstatement and promotion 29 U.S.C 2617"

A reasonably person could conclude that this employer interfered with this employee's FMLA rights.

Failure to Promote Claim

The Fourth Circuit's opinion that

"because Hines failed to exhaust the administrative remedies available to her, she was procedurally

> barred from bringing this claim". "Accordingly , the district court properly dismissed this claim".

The district court did find the facts and evidence plaintiff produced in supporting her failure to promote claim relevant to her pregnancy discrimination claim (in that defendant had intended to promote her prior to the announcement of her pregnancy) and allowed such facts and evidence be used at trial. All facts and evidence surrounding this claim were included in plaintiff's brief to the Fourth Circuit.

BGE misled the reviewing court by stating "Before plaintiff filed her lawsuit, BGE had no notice of a failure-to-promote claim". Why would defendant's position statement responding to the EEOC charge go to such great detail and length explaining the circumstances around that grade 8 job if it was not at issue? Defendant quotes law and states:

> "it is fundamental that an employee cannot complain about being denied a promotion when she did not take the threshold step of applying for the job.... Based on the undisputed evidence as a matter of law plaintiff failed to satisfy one of the basic elements for a discriminatory failure-to-promote claim".

Plaintiff pointed out to the Fourth Circuit Court that she was the only person required to apply. On numerous times the Plaintiff requested the applications of the other employees who applied for this job. They were never given to her and were not produced by the defendant at trial. Plaintiff's counsel at the first trial and second trial contends that the person who got the grade 8 job did not apply for this position. Since the job was given to an employee who did not apply for the job, this argument is irrelevant.

October 2 to October 5,1995. Hines v. BGE, first trial. Plaintiff was allowed to refer to and to submit evidence surrounding her FMLA and Failure To Promote Claim but

not allowed to refer to the actual claims themselves. Plaintiff was allowed to refer and submit documents pertaining to her EEOC charges and proceedings. Plaintiff also referred to and submitted into evidence articles from BGE employee magazine and local newspapers referring to the changes and goals met by BGE and their time frame. Employee also submitted evidence supporting her claim that she was the superior person for the grade 8 job, that there was no difference in the responsibilities required for the new grade 8 job and the old grade 8 job, only the titles had been changed. Defendant's claim that they couldn't just give her the position because they couldn't identify her as the best person for the job. They had to post it. Defendant claimed that although there were other polices and provisions that provided just giving plaintiff a position there were no other jobs available to give her.

Plaintiff argued that it made absolutely no sense for a company like BGE with an entire department of its own, equipped to handle employment within the company, to have an outside consultant firm with an "out placement center" to help BGE employees get BGE jobs. Plaintiff argued this "out placement center" was for the sole purpose to help BGE displaced employees get jobs outside the company. And, at no time before plaintiff signed the election form was there any indication or encouragement that she merely had to select POP and wait it out. Employee's previous general supervisor testified that they could not do away with the responsibilities of Mrs. Hines job and when it was up for review along with the other jobs in her section, they decided not to eliminate it because the job was essential and needed to be done. He also testified that employee was (in his opinion) performing at a much higher level than her grade 7 and was surprised she was required

to apply for the grade 8 job that he had previously initiated for her.

Defendant's first trial reason for their action was "plaintiff's job was 1 of 1141 BGE jobs eliminated due to an effort by BGE to reduce its costs by $46 million". And, although a grade 8 job was created at the same time plaintiff's grade 7 job was eliminated in her section (of less than 10 people) this new grade 8 job was different than the previous grade 8 initiated for her prior to her pregnancy.

Plaintiff was successful is showing how totally absurd "in a section of less than 10 people how do you save cost by eliminating a lesser paying job and at the same time create a higher paying job?" Plaintiff argued the nonsense of this and claimed the real reason plaintiff's job was eliminated and the grade 8 job withheld from her was because her supervision perceived her maternity leave (provided and protected by company policy and Federal law) and future maternity leaves as inconvenient to them and thought this would be the best time to be rid of her (so they would no longer have to deal with this protected employee with these protected rights). Further, what an opportune time to do this and cover themselves with the reduction in force...job elimination reason.

Defendant claimed because plaintiff selected VSP option she elected to terminate herself. Had plaintiff elected POP she would had remained an employee up to at least October 1, 1994 and could apply for any open job.

October 5,1995. Verdict in favor of plaintiff against defendant for the sum of $750,000.00.

November 7,1995. Judge vacates judgment (reduced to $300,00) and orders a new trial because the judge inappropriately dismissed juror #7 and case is reopened.

March 13,1996. Order granting defendant's Motion In Limine to exclude evidence relating to FMLA and EEOC documents and proceedings and any mention of such.

PLAINTIFF DENIED SATISFYING BURDEN OF PROOF

At the second trial defendant took advantage of the motion in limine and changed their story. First they claimed that any line supervisor could cancel plaintiff's family leave, that such leave was a generous benefit , a privilege and not a right to the plaintiff. Then, they invented a new "oral policy" which was "not in writing " "was not contained in the company handbook ," "not written down anywhere" that all jobs had to be posted. A number of defendant's witnesses testified as such which directly contradicted the policies and reasoning at first trial.

The motion in limine prevented 2 relevant pieces of evidence in at the second trial, the FMLA document and Defendant's EEOC position statement. Both documents were on record since the very beginning of all litigation between Hines v BGE. They clearly show that defendant did have policies and a law governing such policy that would have allowed defendant to just give plaintiff a job without applying. Particularly, the position statement would have explained how all others in plaintiff's department were just given jobs when fifty-four jobs were eliminated, without having to apply or go on VSP or POP as plaintiff was required to do.

One of the first claims defendant made in their Proposed Pretrial Order before the first trial was

> "The Defendant does not agree to the Plaintiff's requested stipulation of the following facts: 1. That the Plaintiff was the most qualified individual for the Grade 8 position, the subject of this suit."

In the Defendant's Position statement in response to plaintiff's EEOC charge, defendant in explaining why the grade 8 job had to be posted, states, while there are provisions within the Job Opportunity Plan (see Exhibit 2) to allow the Department manager to not post a position when "unnecessary due to the availability of a superiorly qualified employee with proven ability to perform the job", supervision elected not to simply place Ms. Hines in the new position due to significant differences between her regular job duties as (W7) and the new (W8) job and, "Ms. Hines could not be identified as the best candidate." Exhibit 2 of the Job Opportunity Plan attached to Defendant's Position Statement lists Special Company Consideration where the Company may decide not to post an opening that may be needed to satisfy a Company policy or commitment, specifically:

- When posting is unnecessary due to the availability of a superiorly qualified employee.
- To place qualified employees displaced due to organizational changes, reassignment, reduction in personnel, etc.
- To place employees returning from extended leaves of absence.

However defendant at second trial over and over again states how qualified plaintiff was, her supervision all agreed that she knew the most about the job and was the strongest candidate and if she had just applied for the job it definitely would have been hers. The only reason she did not get the job was because she failed to apply for it. And she had to apply for it because of a new oral policy "all jobs had to be posted."

BGE to the Fourth Circuit states:

> "The undisputed testimony at trial, however, was that top management at BGE

directed that (with some exceptions, such as in the case of "lateral transfers" not resulting in a change in pay), all jobs were to be "posted" (applied for) during the period of tremendous change that began in the fall of 1993 and continued into 1994".

"Mrs. Hines was strongly and repeatedly encouraged to apply for this new Grade 8 job by no less than three supervisors. It was undisputed that Mrs. Hines would have gotten the promotion to the higher-grade job, had she applied for it. Mrs. Hines never applied for any one of at least 98 other available jobs (many higher-grade jobs) for which she was very qualified".

At bench the defendant's counsel successfully excluded EEOC testimony and documentation at the second trial despite plaintiff's efforts. See second trial pp. 189-191.

Ms. Goldberg was supervisor, then Director of Employment Planning and Support Section which handled all correspondence related to plaintiff's pregnancy leave. Her signature appeared on all supporting documentation related to this case which included: EEOC Position Statement, Maryland Unemployment Appeals documents, defendant's answers to plaintiff's interrogatories. She knows everything. When plaintiff's counsel called Goldberg as a witness, she proceeded to lie.

There were two arguments at the bench where plaintiff's counsel accused the defendant of lying and insisted that he be allowed to produce FMLA evidence. See second trial transcript pp197-200 (first argument) and pp. 200-209 (second argument). Plaintiff's counsel made a proffer p 203 line 22 through p 206 line 19.

"FMLA stands for a few common rights that a pregnant person has when they become pregnant. One, they have the right to an unpaid leave of absence. Two, they have a right to come back to

their employer and receive a job of equal or like station as when they left".

"In a hundred years, or twenty years of trying cases in courts, I never expected that a motion in limine that would prevent me from going into an area would allow corporate witnesses to come in and I will be very kind and go so far as to say only intentionally mislead the court and the jury".

"They said, their testimony, both Ms. Miller and Ms. Goldberg, was that it was BG&E's policy, their policy, that pregnant women can have their unpaid leaves terminated at the whim or for good cause by a line manager".

"That is not true. We know it's not true under FMLA. Now, the fact that I couldn't bring in her rights under the FMLA in my case, your honor, I accept it, but I never expected that Ms. Miller or Ms. Goldberg would say that those rights don't exist, and, as a matter of fact, they are not part of BG&E's corporate policy because indeed they already testified, through the examination of Mr. Justis, that Mr. Poindexter's policies, which everyone follows, is to follow the law and not discriminate based on race, color, creed, national origin, ethnic background or sex."

"That's what they said. Now they are trying to say that BG&E's corporate policy is that a person on maternity leave can have that maternity leave terminated. It can just be eliminated".

"And that when she chose to come back for a job, she doesn't have to be given a job. Now, your honor, those facts are very much essential and central facts to the issues of this case..."

"But, your honor, you have a clear cut case here that BG&E's witnesses, people who were in positions to know these laws, are now saying that, despite those laws, BG&E's corporate policy was different".

"Even though they also say BG&E's corporate policy is to follow all federal laws, and I certainly

think, your honor, at this juncture, now that it's been testified to, not only by one but by two of their defendant persons, that that's not the case".

The defendant's counsel countered:

"Whether it's EEOC or FMLA, he has been repeatedly advised, ordered and admonished by the court not to go into these areas, and he insists on doing it. It's highly prejudicial". Judge agrees and disregards plaintiff's counsel's proffer and argument.

The judge's refusal of such evidence was a grave err, the rest of this trial was full of misstatements and intentional misrepresentations of fact by defendant's witnesses.

The law often obliges finders of fact to inquire into a person's state of mind. As Lord Justice Bowen said in treating this problem in an action for misrepresentation nearly a century ago:

"The state of a man's mind is as much a fact as the state of his digestion. It is true that it is very difficult to prove what the state of a man's mind at a particular time is, but if it can be ascertained it is as much a fact as [460 U.S. 717] anything else." As quoted from the U.S. Postal Svc. Board of Governors, Petitioner V. Louis H. Aikens. 103 S.Ct. 1478, U.S. Postal Service Bd. Of Governors v. Aikens, (U.S. Dist. Col 1983).

The EEOC position statement and the FMLA documentation represent this defendant's state of mind at the time their actions towards plaintiff were taken. If you can determine what is in a man's mind you can determine fact. When defendant explained their actions to the EEOC there was no mention of this new oral policy that "all jobs had to be posted".

"Employer may not prevail in mixed-motive Title VII sex discrimination case by offering legitimate and sufficient reason for its decision if

> that reason did not motivate it at time of employment decision.(Per opinion of Justice Brennan, with three Justices concurring and two Justices concurring in judgment). Civil Rights Act of 1964, s 701 et seq., as amended, 42 U.S.C.A. s 2000e et seq. 109 S.Ct. 1775, Price Waterhouse v. Hopkins.

The Fourth Circuit's response to Hines' claim that the district court improperly ordered her to refrain from introducing evidence regarding her FMLA and EEOC evidence was:

> "Because Hines has failed to demonstrate that she was prejudiced, that her substantial rights were affected, or that the court abused its discretion, we find that the district court did not err".

The outcome when such chain of events occurs impacting the ultimate question is clearly obvious in this Fourth Circuit Court's Opinion. Nowhere in its entire opinion is there any mention of pregnancy discrimination. The Fourth Circuit did not address the issue raised by plaintiff that the pretextual reason offered was false and by not allowing plaintiff to rebut such false reason, was denied her civil rights. These issues are lost because the defendant successfully diverts the district and the Fourth Circuit courts' attention from these issues to the narrow issue of whether or not BGE terminated Mrs. Hines.

> "Following deliberations on Ms. Hines' termination claim, the jury found from the evidence that BGE had not terminated Ms. Hines' employment and, consequently, did not need to consider any other issues".

Whether BGE terminated Mrs. Hines or not doesn't answer or satisfy the issue of whether or not Mrs. Hines was discriminated against because she was a pregnant female.

REASONS FOR GRANTING THE WRIT

Questions 1 & 2

There is a national interest in preserving family integrity. American children and America's elderly are dependent on their working family members. Each and every worker in America has or could be faced with a family emergency, requiring them to attend to their seriously-ill child, parent, spouse, newly-born or adopted infants, or even to their own serious illness. When this occurs, workers need reassurance that they will not need to choose between their job security and meeting these vital personal and family obligations.

It is imperative that covered employers, and all judicial branches (Federal and State Courts) understand and adhere to the requirements and provisions set forth by FMLA and recognize the importance FMLA plays in maintaining the balance between work and family. This court needs to clearly establish and reinforce these provisions and requirements as a guide for all other courts.

The Fourth Circuit did not understand the language and intent of FMLA when they considered and reviewed the FMLA issues put forth by this plaintiff. If the appropriate legal standard had been applied, this would have precluded the dismissal of the FMLA claim.

> Congress passed the Pregnancy Discrimination Act of 1978 (PDA), 42 U.S.C. s2000e (k). The Ninth Circuit U.S. Ct. of Appeals Court (in review of Newport News Shipbuilding & Dry Dock Co. v. EEOC, 462 U.S. 669, 103 S.Ct. 2622, 77 L. Ed.2d 89 (1983) held that in enacting the PDA Congress intended "to construct a floor beneath which pregnancy disability benefits may

not drop—not a ceiling above which they may not rise." Id., at 396. 758 F.2d 390 (1985). This court agreed with the Court of Appeals' conclusion that Congress intended the PDA to be a "floor beneath which pregnancy disability benefits may not be drop—not a ceiling above which they may not raise. California Federal Sav. And Loan Ass'n v. Guerra, (U.S. Cal. 1987) 107 S.Ct. 683.

As in the PDA, Congress with FMLA expresses this same intent.

"Nothing in this Act or any amendment made by this Act shall be construed to diminish the obligation of an employer to comply with any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established under this Act or any amendment made by this Act". 29 USC 2652 sec. 402 (a).

And, The rights established for employees under this Act or any amendment made by this Act shall not be diminished by any employment benefit program or plan. 29 USC 2652 sec. 402(b).

Nothing in this Act or any amendment made by this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies that comply with the requirements under this Act or any amendment made by this Act. 29 USC 2653 sec.403.

Question 3

Reinforce this courts' previous common sense rulings that Title VII does not require procedural exactness from lay complainants and summary judgment is only appropriate when genuine issues to the material facts are not in dispute.

The Supreme Court's, Mr. Justis Powell, in McDonnell Douglas Corp. v. Green, 93 S.Ct. 1817, (U.S. 1973), held that

> "the Act (Civil Rights Act of 1964) did not restrict a complainant's right to sue to those charges as to which the EEOC has made findings of reasonable cause".
>
> "Absence of an EEOC finding of reasonable cause cannot bar suit under an appropriate section of Title VII of the civil Rights Act of 1964. Civil Rights Act of 1964, s 701 et seq., 42 U.S.C.A. s 2000e et seq".
>
> Also at (3) in this case , "Where complaint satisfied jurisdictional prerequisites to federal action under Title VII of the Civil Rights Act of 1964 by filing timely charges of employment discrimination with EEOC and by receiving and acting upon the Commission's statutory notice of right to sue, district judge erred in dismissing his claim of racial discrimination..."
>
> "The Act did not restrict a complainant's right to sue to those charges as to which the Commission has made findings of reasonable cause. Civil Rights Act of 1964, s703 (a) (1), 42 U.S.C.A. s 2000e-2(a) (1).At (6) 1".

Judge Murnaghan, Fourth Circuit Judge in a previous ruling found in 848 F.2d 457, Alvarado v. Board of Trustees of Montgomery Community College , (C.A.4 (Md.), 1988. In

this ruling where summary judgment granted to the defendant was reversed, the court stated

> "The defendants in this case have asked the federal courts to apply a common-sense requirement in a hypertechnical fashion. If successful, they would unjustly prevent the plaintiff from having his claim of employment discrimination heard on the merits by a court of law."

Also quoted from Alvarado, at [2]

> "Title VII does not require procedural exactness from lay COMPLAINTANTS. Civil Rights Act of 1964, s 701 et seq., as amended, 42 U.S.C.A. s 2000e et seq. and Under Title VII, a civil action may be brought after administrative proceedings have ended or conciliation attempts have failed only against the respondent named in the [administrative] charge. 42 U.S.C. s 2000e-5 (f)(1)".

> 4] "Title VII does not require procedural exactness from lay COMPLAINTANTS: EEOC charges must be construed with utmost liberality since they are made by those unschooled in the technicalities of formal pleading. Kaplan v. Int'l Alliance of Theatrical & Stage Employees, 525 F.2d 1354, 1359 (9th Cir.1975) All quoted from 848 F.2d 457,5746".

> "that Title VII does not require procedural exactness from lay COMPLAINTANTS. Civil Rights Act of 1964, s 704 et seq., as amended, 42 U.S.C.A. s 2000et seq".

Lastly, the 4th circuit Higgins v. E.I. DuPONT DE Nemours & Co., 863 F.2d 1162, 1167 (4th Cir. 1988).

> "Summary judgment is appropriate when the pleadings, depositions, answers to interrogatories, and admissions on file, together with any affidavits, if any show that there is no genuine issue as to any

materials fact and that the moving party is entitled to judgment as matter of law". ED.R. CIV. P. 56 (c).

Question 4

Plaintiff was denied her opportunity to satisfy her burden of proof when she was denied a new trial. First by the lower court then the by the reviewing court contradicting this court's findings. A manifest injustice occurred which this court needs to correct.

This court in review of many discrimination cases, has discussed the shifting burden of proof involved between the plaintiff and defendant and its significance in determining defendant's liability. This court has stated over and over again that the plaintiff always has the ultimate burden of satisfying proof that defendant's justification for taking adverse employment action was merely pretext, and that discrimination was the real reason behind defendant's adverse employment action. And, if the defendant gives false reason for its action, plaintiff must be given every opportunity to rebut the reasoning and to prove it false.

> "After burden has shifted to defendant in equal employment opportunity case, to rebut presumption of discrimination and after defendant has set forth reasons for plaintiff's rejection, plaintiff must be allowed adequate opportunity to demonstrate that proffered reason was not true reason for employment decision but rather a pretext". Civil Rights Act of 1964, ss 701 et seq., as amended, 42 U.S.C.A s 2000 et seq. 103 S.Ct. 1478, U.S. Postal Service Bd. Of Governors v. Aikens.

Plaintiffs who are denied the opportunity to demonstrate that the proffered reason was not the true reason for the employment decision, are hindered in showing the true reason was in fact, unlawful discrimination. They will not be able to fulfill their ultimate

burden of persuading the court that they have been the victim of intentional discrimination and the ultimate question in the discrimination case is left unanswered. This should never be allowed to happen in a Title VII discrimination case. When it does a "manifest miscarriage of justice " occurs.

> "There will seldom be "eyewitness" testimony as to the employer's mental processes. But none of this means that trial courts or reviewing courts should treat discrimination differently from other ultimate questions of fact. Nor should they make their inquiry even more difficult by applying legal rules which were devised to govern "the allocation of burdens and order of presentation of proof," Burdine, supra, at 252, 101 S.CT., at 1093, in deciding the ultimate question".
>
> "In considering a motion for the credibility of the witness, and if he finds the verdict is against the clear weight of the evidence, is based on false evidence or will result in a miscarriage of justice, he must set aside the verdict even if supported by substantial evidence, and grant a new trial." Poynter by Poynter v. Ratcliff, 874 F.2d 219,223 (4th Cir.1989)
>
> In Burdine, "The plaintiff retains the burden of persuasion. [He] may succeed in this either directly by persuading the court that a discriminatory reason more likely motivated the employer or directly by showing that the employer's proffered explanation is unworthy of credence." Texas Dept. of Community Affairs v. Burdine , 450 U.S., at 256, 101 S.Ct., at 1095.
>
> "Title VII plaintiff at all times bears ultimate burden of persuasion." Civil Rights Act of 1964, s 703 (a) (1), 42 U.S.C.A. s 2000e-2(a) (1); Fed. Rules Evid. Rule 301, 28 U.S.C.A. as quoted from St. Mary's Honor Center v. Hicks ,113 S.Ct. 2742, at 8 (U. S. Mo. 1993).

"When focusing on sufficiency of evidence, taken in light most favorable to plaintiffs, Court of Appeals will act clinically in marshaling evidence presented in favor of plaintiffs and disregard substance of evidence offered by defendant, and court will assume that testimony in favor of plaintiffs was credible, unless totally incredible on its face, and ignore evidence offered to rebut it". 928 F. 2d 1413 Duke v. Uniroyal Inc. C.A.4 (N.C.) 1991.

CONCLUSION

This Petition for Writ of Certiorari should be granted. If the court finds that the plaintiff's FMLA rights were in fact violated, please grant the plaintiff the full compensation outlined in 29 USC 2617. Sec 107 Enforcement. If the court finds that the plaintiff was intentionally discriminated against, please provide plaintiff with the maximum award allowable by this court. If neither of these can be done, please remand this case back to the district court and allow plaintiff a new trial for her pregnancy discrimination including the claims of violating FMLA, failure to promote and unlawful termination.

Respectfully submitted,

Donna M. Hines

1308 Terry Way

Fallston, MD 21047

Telephone: (410) 893-8729

Petitioner of record

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

DONNA HINES,
Plaintiff-Appellant,

v.

BALTIMORE GAS AND ELECTRIC COMPANY,
Defendant-Appellee.

No. 96-1461

Appeal from the United States District Court
for the District of Maryland, at Greenbelt.
Edward S. Northrop, Senior District Judge.
(CA-95-187-N)

Submitted: January 6, 1998

Decided: January 29, 1998

Before WIDENER and MURNAGHAN, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Donna Hines, Appellant Pro Se. Laurie Richman Bortz, Luther Ellis Justis, Jr., Mark Thomas Hackman, BALTIMORE GAS & ELECTRIC COMPANY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Appellant Hines appeals from the district court's order entering judgment in favor of Baltimore Gas & Electric Company (BGE) in this Title VII action. *See* 42 U.S.C.A. § 2000e-5(g) (West 1994 & Supp. 1997). Appellant asserts eleven claims. Finding no reversible error, we affirm.

First, Hines claims that the district court erred by granting BGE's motion for summary judgment on her failure to promote claim. Because Hines failed to exhaust the administrative remedies available to her, she was procedurally barred from bringing this claim. *See Evans v. Technologies Applications & Serv. Co.*, 80 F.3d 954, 962-63 (4th Cir. 1996) ("The allegations contained in the administrative charge of discrimination generally operate to limit the scope of any subsequent judicial complaint."). Accordingly, the district court properly dismissed this claim.

Hines also claims that she was denied rights secured by the Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C.A. §§ 2601-2618 (West Supp. 1996), and therefore, the district court improperly dismissed this claim. Because Hines failed to state a viable claim under the FMLA, the district court properly dismissed this claim. *See Goldberg v. B. Green & Co.*, 836 F.2d 845, 848 (4th Cir. 1988) (holding that a plaintiff's opinion that he was a victim of discrimination, without more, is not enough to escape summary judgment).

Hines contends that the district court improperly ordered her to refrain from introducing evidence regarding her FMLA claim, her failure to promote claim, EEOC proceedings and documents, and claims of assault and managerial disputes. Hines also asserts that the court erroneously allowed BGE to introduce documents at trial that were not timely produced. Because Hines has failed to demonstrate

that she was prejudiced, that her substantial rights were affected, or that the court abused its discretion, we find that the district court did not err. *See Redman v. John D. Brush & Co.*, 111 F.3d 1174, 1177 (4th Cir. 1997) (applying abuse of discretion standard); *see also Mullen v. Princess Anne Volunteer Fire Co.*, 853 F.2d 1130, 1135 (4th Cir. 1988).

Next, Hines suggests that the district court erred by granting BGE's motion for a new trial. At the first trial, the judge inappropriately dismissed a juror. Consequently, the district court did not abuse its discretion by granting BGE's motion. *See* Fed. R. Civ. P. 47(c); *see also Freeman v. Case Corp.*, 118 F.3d 1011, 1014 (4th Cir. 1997) (explaining that the district court's decision to grant a new trial is reviewed for abuse of discretion).

Hines further asserts that the district court committed reversible error by allowing BGE to submit supplemental jury instructions to the jury and by providing the jury with an improper verdict form. First, Hines has failed to demonstrate that the court lacked good cause to submit these supplemental instructions. *See United States v. United Med. & Surgical Supply Co.*, 989 F.2d 1390, 1406-07 (4th Cir. 1993); *see also United States v. Horton*, 921 F.2d 540, 546 (4th Cir. 1990) (explaining that the decision to submit supplemental jury instructions to the jury is within the sound discretion of the court). Moreover, the record reveals that despite the fact that the court ordered Hines to submit a proposed verdict form, she never did. Therefore, these claims are without merit.

Finally, Hines alleges that the district court erred when it commented on her attorney's closing statement and that the court acted in a prejudicial and biased manner towards her and her attorney throughout the trial. Again, because Hines has not demonstrated that the court's isolated statement was prejudicial or that the judge acted in an unreasonable or unfair manner, there is no basis for reversal of the judgment in this case.

We accordingly affirm the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

App. 4

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DONNA HINES	*	
	*	
vs.	*	CIVIL ACTION
	*	NO. N-95-187
	*	
BALTIMORE GAS and	*	
ELECTRIC COMPANY	*	
	*	
	*	

****

ORDER OF JUDGEMENT

The jury having returned a verdict in favor of Defendants Baltimore Gas & Electric Company, it is this 26 day of March, 1996, ORDERED

That judgment is entered in favor of Defendant Baltimore Gas & Electric Company against Plaintiff Donna Hines.

Any and all prior rulings made by the Court disposing of any clams against any parties are incorporated by reference herein, and this Order shall be deemed to be a final Judgment within the meaning of Fed. R. Civ. P. 58.

/s/ Edward S. Northrop

Edward S. Northrop

Senior United States District Judge

SUPREME COURT OF THE UNITED STATES

OFFICE OF THE CLERK

WASHINGTON, DC 20543-0001

WILLIAM K SUTER

CLERK OF THE COURT

June 18, 1998

Ms. Donna M. Hines

1308 Terry Way

Fallston, MD 21047

Re: Donna M. Hines
v. Baltimore Gas and Electric Company
Application No. A-957

Dear Ms. Hines:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to the Chief Justice, who on June 18, 1998, extended the time to and including July 27, 1998.

This letter has been sent to those designated on the attached notification list.

Sincerely

William K. Suter, Clerk

By

/s/ Ruth Jones

Ruth Jones

Assistant Clerk

App. 6

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

FILED

April 7, 1998

No. 96-1461

CA-95-187-N

Hines v. Baltimore Gas

M A N D A T E

The judgment of this Court dated 1/29/98 takes effect today.

Patricia S. Connor

CLERK

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

FILED

March 30, 1998

No. 96-1461

CA-95-187-N

DONNA HINES

Plaintiff - Appellant

v.

BALTIMORE GAS AND ELECTRIC COMPANY

Defendant - Appellee

On Petition for Rehearing with Suggestion for Rehearing in Banc

The appellant's petition for rehearing and suggestion for rehearing in banc were submitted to this Court. As no member of this Court or the panel requested a poll on the suggestion for rehearing in banc, and

As the panel considered the petition for rehearing and is of the opinion it should be denied.

IT IS ORDERED that the petition for rehearing and suggestion for rehearing in banc are denied.

For the Court,

/s/ Patricia S. Connor

CLERK